

Neal. Potter.
Odell. Stone.

Bill read third time. The roll call on final passage developed no quorum, the vote being:

Yeas—20.

Atlee. McGee.
Burns. Morriss.
Davidson. Ross.
Dibrell. Sebastian.
Greer. Stafford.
Hanger. Terrell.
James. Turney.
Johnson. Wayland.
Linn. Yantis.
Lloyd. Yett.

Absent.

Gough. Patterson.
Kerr.

Absent—Excused.

Goss. Neal.
Grinnan. Odell.
Lewis. Potter.
Miller. Stone.

Senator Davidson moved a call of the Senate for the purpose of securing a quorum.

Motion duly seconded, the following Senators answering to their names:

Atlee. Morriss.
Burns. Patterson.
Davidson. Ross.
Dibrell. Sebastian.
Greer. Stafford.
Hanger. Terrell.
James. Turney.
Johnson. Wayland.
Lloyd. Yantis.
McGee. Yett.

Absent.

Gough. Linn.
Kerr.

Absent—Excused.

Goss. Neal.
Grinnan. Odell.
Lewis. Potter.
Miller. Stone.

No quorum.

On motion of Senator Stafford the Senate adjourned until 10 o'clock a. m. tomorrow.

FORTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas, Thursday, March 16, 1899.

Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee. Lloyd.
Burns. McGee.
Davidson. Morriss.
Dibrell. Patterson.
Gough. Ross.
Greer. Sebastian.
Hanger. Stafford.
James. Terrell.
Johnson. Wayland.
Kerr. Yantis.
Lewis. Yett.
Linn.

Absent.

Odell. Turney.

Absent—Excused.

Goss. Neal.
Grinnan. Potter.
Miller. Stone.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Yett, the same was dispensed with.

EXCUSED.

On motion of Senator Stafford, Senator Turney was excused for today and tomorrow on account of important business.

On motion of Senator Hanger, Senator Odell was excused for today and tomorrow on account of important business.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 381, being a bill to be entitled "An Act to amend an act known as Senate bill No. 236, Chapter 57, of the General Laws passed at the Regular Session of the Twenty-fifth Legislature of the State of Texas, regulating the time of holding the district court in Jasper, Newton, Orange, Jefferson and Tyler counties, so as to reduce the terms in Tyler and Newton counties, and to extend the terms in Jefferson county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON, Chairman.

Committee Room,
Austin, Texas, March 14, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 160, being a bill to be entitled "An Act to amend Article 642, of the Revised Civil Statutes, and to add thereto Section 57, regarding the purposes for which private corporations may be created,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, March 14, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 232, being a bill to be entitled "An Act to appropriate the sum of \$45,125.56 for the purpose of repaying and restoring to the United States government an excess of money that was, under mistake, paid to the State of Texas in the payment of a balance due this State under an Act of Congress, approved February 28, 1855,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, March 14, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 148, being a bill to be entitled "An Act to amend Article 244, of Chapter 2, Title IV, of the Code of Criminal Procedure of the State of Texas,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, March 15, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 181, being a bill to be entitled "An Act to amend Article 695, Title VIII, Chapter 4, of the Code of Criminal Procedure of the State of Texas,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, March 15, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 178, being a bill to be entitled "An Act to amend Article 4159a, of the Revised Civil Statutes of the State of Texas of 1895, relating to the relief of actual occupants on homestead donations,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,
Austin, Texas, March 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 245, being a bill to be entitled "An Act to repeal 'An Act to incorporate the town of Jacksonville, in Cherokee county, Texas,' passed at the session of the Thirteenth Legislature,"

And find the same correctly engrossed.
JAMES, Chairman.

BILLS AND RESOLUTIONS.

By Senator Ross:

Senate bill No. 264, A bill to be entitled "An Act to provide a more efficient system for working the public roads of Lamar county, regulating the fees of officers where convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Terrell:

Senate bill No. 265, A bill to be entitled "An Act to amend Article 3964, of the Revised Civil Statutes of 1895, as amended by the Twenty-fifth Legislature, and providing for taking the scholastic census biennially."

Read first time, and referred to Committee on Education.

By Senator Johnson:

Senate bill No. 266, A bill to be entitled "An Act for the relief of Mary E. Batchelor, widow of Jas. W. Batchelor, providing for issuing her a land certificate, and paying her a pension."

Read first time, and referred to Committee on Finance.

By Senator Lloyd:

Senate bill No. 267, A bill to be entitled "An Act to amend Chapter 5, Title CII, of the Revised Civil Statutes of Texas of 1895, by adding thereto Articles 5001a

and 5001b, providing for elections in a county or subdivision of a county, to determine whether hogs, sheep and goats shall be permitted to run at large in such county or subdivision."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Morriss:

Senate Concurrent Resolution No. 15, Resolved by the Senate, the House of Representatives concurring, that it is the sense of the Legislature of Texas:

First.—That a colonial policy is contrary to the principles of a republic, and that if persisted in by our general government will prove a menace to civil liberty.

Second.—That we deplore the tendency of the government of the United States in this direction, and protest against a policy which seeks to govern any people against their consent, thus violating a fundamental principle of our government.

Third.—That the United States government should tender an official assurance to the inhabitants of the Philippine Islands that this government will encourage and assist in the organization of a government for the people of those islands, upon a basis of a recognition of their freedom and independence, as soon as proper guarantees can be had of order and protection of property.

Fourth.—That the United States, in accordance with its traditional and prescriptive policy in such cases, should recognize the independence of the Philippines and its equality among nations, and gradually withdraw all naval and military forces.

Senator Burns moved to refer the resolution to the Committee on Federal Relations.

Lost.

Senator Burns then moved that consideration of the resolution be postponed until Monday next, after call, and that it be made special order for that hour.

So ordered.

By Senator Linn:

Whereas, The tidings of the death of Hon. Asa H. Willie has just reached us through the press of the State, and

Whereas, His public service and private character are worthy of all respect, therefore be it

Resolved, That the Senate of the State of Texas doth in this manner place on record the evidence of its respect, for the exalted public and private character of Hon. Asa Hoxie Willie, and of its profound sorrow caused by the tidings of his death.

Whether as a soldier in the army of the South, an Associate Justice of the Supreme Court of Texas, a member of Congress of the United States, Chief Justice of the Supreme Court of Texas, a practitioner at the bar, or a citizen in the walks of private life, he was ever the same gracious, kindly gentleman, lovable and beloved, of integrity the most exalted, and a character without blemish or reproach.

In every public station he served his people with rare ability and unfailing fidelity, and dying he leaves to this State and his family the rich heritage of an honorable name and the memory of a pure, lofty and gentle life.

The sympathy of this Senate is hereby tendered to his family, and it is directed that a duly engrossed copy of these resolutions be transmitted to his family, under the hand of the President of the Senate.

On motion of Senator Linn the resolution was unanimously adopted by a rising vote.

Call concluded.

REGULAR ORDER.

The Chair laid before the Senate, on third reading,

House bill No. 441, A bill to be entitled "An Act to transfer Rains and Grimes counties from the community school system, and to authorize and empower the said counties to organize and conduct all of their free schools under the district system as provided by the laws now in force."

The bill was read a third time, and passed by the following vote:

Yeas—21.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Morriss.
Dibrell.	Patterson.
Gough.	Ross.
Greer.	Sebastian.
Hanger.	Stafford.
James.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.
Linn.	

Absent.

Johnson.

Absent—Excused.

Goss.	Odell.
Grinnan.	Potter.
Miller.	Stone.
Neal.	Turney.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, March 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Committee Substitute for Senate bill No. 19, A bill to be entitled "An Act to repeal subdivision 14, of Article 5049, Chapter 18, Title CIV, of the Acts of the First Called Session of the Twenty-fifth Legislature, relating to occupation taxes on physicians and surgeons (with amendments)."

Also Senate bill No. 20, A bill to be entitled "An Act to set apart and appropriate to the permanent school fund of the State of Texas all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations, and to provide for the disposal of the same (with amendments)."

Also Senate bill No. 122, A bill to be entitled "An Act to provide for the redemption of land sold for taxes due an incorporated city or town, and providing that redemption of the land so sold may be had within two years from the date of such sale, and providing the terms, conditions and penalties incident thereto."

Also Senate bill No. 206, A bill to be entitled "An Act to authorize corporations now or hereafter incorporated under the laws of this State for the purpose of acquiring, owning and operating union passenger depots to condemn land for the purpose of their incorporation."

Also Senate bill No. 153, A bill to be entitled "An Act to amend Section 22, of an act to fix certain civil fees to be charged by certain county and precinct officers."

Also Senate Committee Substitute No. 1 for Senate bill No. 1, A bill to be entitled "An Act to amend Articles 4497 and 4500, of the Revised Civil Statutes of the State of Texas of 1895, originally enacted in 1887, relating to furnishing cars for the shipment of freight and the time within which the same shall be loaded (with amendment)."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

The Chair laid before the Senate, on second reading,

House bill No. 9, A bill to be entitled "An Act to amend Article 969, Chapter

3. Title XVIII, Penal Code, Revised Statutes of 1895, relating to marriages in cases of seduction."

The bill was read a second time, and passed to a third reading.

SPECIAL ORDER.

The Chair laid before the Senate, on second reading,

Substitute Senate bill No. 65, general appropriation bill.

The bill was read a second time with committee substitute therefor.

The committee substitute was adopted. Pending further action.

On motion of Senator Sebastian, the pending business was suspended to take up, on third reading.

Senate bill No. 181, A bill to be entitled "An Act to amend Article 695, Title VIII, Chapter 4, of the Code of Criminal Procedure for the State of Texas."

The bill was read a third time, and passed.

On motion of Senator Davidson, the pending business (Substitute Senate bill No. 65) was suspended to take up, on third reading.

Senate bill No. 202, A bill to be entitled "An Act to amend Article 5364, Title CXI, of the Revised Civil Statutes of 1895, relating to wool growing interest, so as to strike out of the exempt list the counties of Calhoun and Aransas."

The bill was read a third time, and passed by the following vote:

Yeas—21.

Atlee.	Linn.
Burns.	Lloyd.
Davidson.	Morriss.
Dibrell.	Patterson.
Gough.	Ross.
Greer.	Sebastian.
Hanger.	Terrell.
James.	Wayland.
Johnson.	Yantis.
Kerr.	Yett.
Lewis.	

Present—Not voting.

McGee.

Absent.

Stafford.

Absent—Excused.

Goss.	Odell.
Grinnan.	Potter.
Miller.	Stone.
Neal.	Turney.

Resuming consideration of pending business (Substitute Senate bill No. 65, general appropriation bill), the following amendments were offered:

By Senator Dibrell:

"Amend the caption of the bill, in line

7, by striking out the words 'September 1st' and 'August 31st,' and by inserting in lieu thereof the following, 'February 28th.'"

Adopted.

By Senator Dibrell:

"Amend the bill, in line 13, Section 1, page 1, by striking out 'September 1st' and insert in lieu thereof 'March 1st,' and by striking out 'August 31st' and insert in lieu thereof 'February 28th.'"

Adopted.

By Senator Morriss:

"Amend by adding to Section 2, of the bill, on page 37 (printed bill) the following:

"It shall also be unlawful for such superintendent, manager or head of any such institutions or departments to appropriate to his own use or to the use and benefit of him or his family any of the supplies or material purchased or furnished such institutions or departments under the provisions of this act, or to permit the same to be so used by any of the employes of such institutions or departments, except the salaries and other sums and materials herein expressly granted; provided, that in cases where it is necessary that a teacher or attendant shall be required in any such institutions to remain with the inmates of the same, such management may provide for the board and lodging of such teacher or attendant in such institutions, together with such other employes, whose wages are fixed in such manner as makes their board in such institutions a part of their compensation. It is made the duty of all such superintendents, managers or heads of such institutions or departments to make report in writing to the Comptroller of this State at least once every three months, and that on the first day of the month, showing the detailed expenditure of any and all moneys appropriated under the provisions of this act to such institution or department that may have been drawn and used for the same for the three months next preceding the date of such report. And should it appear from any of such reports or from any report of the State Revenue Agent, or come to the knowledge of such Comptroller from any other reliable source that any of the provisions of this section have not been complied with, or that the funds of the State or supplies or materials belonging to such institution or department have been misapplied by such superintendent, manager or head of department, or used or permitted to be used as herein prohibited, the Comptroller shall refuse payment of the salary of such superintendent, manager or

head of department, until he shall compensate the State of Texas for the money, supplies or materials that he may have misappropriated, used or knowingly permitted to have been misappropriated or used.'"

Adopted.

By Senator Atlee:

"On page 16, in line 6, strike out '1600' and insert in lieu thereof '2200.'"

Adopted.

By Senator Yantis:

"Amend page 2, in line 13, by inserting '1600' wherever '1550' appears, and in line 14 by striking out '\$2280' wherever it appears, and insert in lieu thereof '\$2400,' and in line 15 by striking out '\$1900,' wherever it appears, and inserting in lieu thereof '\$2000,' and in line 16 by striking out '\$900' wherever it appears and insert in lieu thereof '\$1000,' and in line 17 by striking out '\$300' wherever it appears, and insert in lieu thereof '\$360,' and in line 22 by striking out '\$100' wherever it appears and insert in lieu thereof '\$200,' and in line 26 by striking out '\$75' wherever it appears and insert in lieu thereof '\$100.'"

Adopted.

By Senator Greer:

"Amend the bill, page 28, by striking out from the word 'revenue,' line 17, to and including the word 'institute,' line 20."

Adopted.

By Senator Johnson:

"Amend by inserting between lines 26 and 27, on page 23, the following: 'To erect an annex to the North Texas Insane Asylum to accommodate 250 female patients, to be erected under direction of a competent architect, to be appointed by the Governor.'"

Adopted.

By Senator Yett:

"Amend page 5, line 25, by striking out '1700' and inserting '1800.'"

Adopted.

By Senator Yantis:

"Amend page 2, line 14, by striking out '\$1140' where it appears and insert in lieu thereof '\$1200.'"

Adopted.

By Senator Greer:

"Amend page 1 by adding after line 31 the following: 'For stenographer of Tax Commission, or so much thereof as may be necessary, at the rate of '\$100 per month.'"

Adopted.

By Senator Davidson:

"Insert on page 16, between lines 8 and 9, the following: 'For payment of Mahon & Shaw of State occupation taxes

unlawfully paid by them as ice dealers, \$10.00."

Adopted.

By Senator Yantis:

"Amend page 37 by adding after Section 3 the following:

"Section 4. In the drawing of warrants for payment of salaries of officers and compensation of assistants, clerks and employes by the month, the monthly payments shall be determined by dividing the annual salary or allowance by the number of days in the year and multiplying this by the actual number of days in the given month for which the warrant is drawn."

Lost.

By Senator Terrell:

"Amend by adding after line 7, page 6, 'one additional draftsman \$1300' in each column."

Adopted.

By Senator James:

"Amend line 25, page 25, by adding to the end of said line the following after the word 'pipes': 'floors and galleries,' and striking out the figures '500' at the end of said line and inserting the figures '1200' in lieu thereof."

Adopted.

(Senator Atlee in the Chair.)

By Senator McGee:

"Amend by striking out '\$1700' where occurring in line 19, page 10, and inserting '\$1800' instead."

Adopted.

By Senator Yantis:

"Amend the bill, in line 20, page 2, by adding after the word 'stationery' the following, 'including the purchase of volumes 72 to 86, inclusive, of Reports of Supreme Court,' and strike out '\$400' in first column and insert in lieu thereof '\$550.'"

Adopted.

By Senator Ross:

"Amend by striking out '\$1140,' in line 30, page 5, and inserting '\$1400.'"

Lost.

Senator Ross entered a motion to reconsider the action by which the amendment was lost.

By Senator Yett:

"Amend by adding after line 23, page 19, 'For the purpose of erecting hospital to accommodate patients from the wards, \$12,000.'"

Lost.

By Senator Davidson:

"Amend line 3, page 3, by striking out '\$2400' wherever it occurs and inserting '\$2600.'"

EXECUTIVE MESSAGE.

The following message from the Governor was received:

To the Senate:

After a most careful consideration of Senate bill No. 141, I am induced by a sense of public duty to return the same without my approval.

Though the bill under consideration provides for the consolidation with the Houston & Texas Central Railroad Company of five other independent railways, located in different parts of the State, it is to but one of them—the Austin & Northwestern Railroad—that attention is especially invited. A suit has been pending for several months in the District Court of Travis county against the Austin & Northwestern Railroad Company, the State of Texas being the plaintiff, for the forfeiture of its charter upon the ground that the stock of said company is owned and controlled by the Southern Pacific Company, a corporation organized and existing under and by virtue of the laws of the State of Kentucky, but without permit to do business in this State. Such exercise of ownership and control of the stock of the Austin & Northwestern Railroad Company by the Southern Pacific Company is believed to be a consolidation, within the meaning of the laws of this State, and contrary to, and in direct violation of, Section 6, Article X, of the Constitution and of the statutes which deny to all corporations under the laws of States other than Texas, the right to do business in Texas without first obtaining a permit. The provision of the Constitution named reads as follows:

"No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States."

The Attorney-General is of the opinion that the suit can be successfully maintained, and that the effect upon it, should the bill under consideration become law, would be disastrous. Copies of his communications upon this subject are herewith submitted.

In addition to the opinion of the Attorney-General will be noted his statement that the questions involved are of great importance to the State, and that the Railroad Commissioners have expressed to him a desire to have them settled by a judicial decision and determination of the suit. That its importance may be readily recognized and fully appreciated, I feel that it will be only nec-

essary to say that I have been officially informed that of the total capital stock of the Austin & Northwestern Railroad Company amounting to \$1,016,000, the Southern Pacific Company holds \$1,008,000; of the total capital stock of the Houston & Texas Central Railroad Company amounting to \$10,000,000, the Southern Pacific Company holds \$9,584,000; of the total capital stock of the Galveston, Harrisburg & San Antonio Railway Company amounting to \$27,084,400, the Southern Pacific Company holds \$27,038,900; and of the total capital stock of the Texas & New Orleans Railroad Company amounting to \$5,000,000, the Southern Pacific Company holds \$4,997,500.

I am also officially advised that there are other railway companies in this State whose stock is held in like proportion by the Southern Pacific Company. It will be well to bear in mind that this company was chartered on March 17, 1884, by the Legislature of Kentucky, with power of perpetual succession, and "to purchase, grant, sell or receive, in trust or otherwise, all kinds of personal and real property to such an amount as the directors of said company may, from time to time, determine." This company is also authorized by said act of the Legislature of Kentucky "to acquire by purchase or otherwise, bonds, stocks, obligations and securities of any corporation, company or association now existing, or heretofore formed or constituted, and bonds, obligations and securities of any individuals, State, Territory, government, or local authorities whatsoever, and to enter into contracts with any corporation, company or association, individuals, State, Territory, government or local authorities in respect of their bonds, stocks, obligations or securities, or in respect of the construction, establishment, acquisition, owning, equipment, lease, maintenance or operation of any railroads, telegraphs or steamship lines, or any public or private improvements, or any appurtenances thereof, in any State or Territory of the United States, or in any foreign country, and to buy, hold, sell, and deal in all kinds of public and private stocks, bonds and securities; and also to borrow and loan money, issue its own bonds or other evidences of indebtedness, and sell, negotiate and pledge the same, to such amounts, upon such terms and in such manner as may, from time to time, be determined by its directors; provided, that it shall not make joint stock with, lease, own or operate any railroad within the State of Kentucky."

Greater and more extensive powers could scarcely be conferred upon any

corporation. I concur with the Attorney-General and the Railroad Commission as to the importance of the suit and as to the magnitude of the interests involved, and I am unwilling by any act of mine to interfere with its proper and successful prosecution.

In order that the Senate may be fully advised in the premises, I transmit herewith copies of the charter of the Southern Pacific Company, and of the petition filed in the suit.

JOSEPH D. SAYERS,
Governor.

ATTORNEY-GENERAL'S OFFICE.

T. S. SMITH, Attorney-General.

R. A. JOHN, Assistant Attorney-General.
Attends Court of Appeals.

R. H. WARD, N. B. MORRIS,
T. S. JOHNSON,
Office Assistants.

Austin, Texas, March 14, 1899.

*Governor Joseph D. Sayers, Executive
Office, Austin, Texas.*

DEAR SIR: I have received your favor of the 13th inst., requesting that I give you at the earliest practicable moment, my opinion, in writing, as to whether the State can successfully maintain the suit now pending against the Austin & Northwestern Railroad Company, in the District Court of Travis county, Texas.

I hand you herewith a copy of the original petition on file in said cause. I have consulted with all the members of the Railroad Commission and their Auditor, as to whether the proof could be made by the State in support of the allegations in said petition. I am advised by them that they believe affirmative proof can be made to support every allegation, with the possible exception of the allegation "That plaintiff is informed and believes, and upon information and belief charges the fact to be, that while the eight thousand dollars of stock last mentioned, stands in the name of the parties heretofore mentioned, that the Southern Pacific Company is really the owner thereof, and that it is only permitted to stand in the names of the above mentioned parties in order that they may be elected directors and officers of said railroad; but that they really have no pecuniary interest in the said stock," and that this may have to be proven by circumstances.

After as careful an examination of the authorities as the time has permitted my assistants and myself to make, we conclude that the authorities will sustain the proposition; that the purchase and ownership by the Southern Pacific Com-

pany (a railway company) of practically all the stock of the Austin & Northwestern Railroad Company, with the consent and acquiescence of the latter company; the latter company being a railroad company organized under the laws of this State, and the Southern Pacific Company being a railroad company organized under the laws of another State, is a consolidation of the two railroad companies within the meaning of Article X, Section 6, of our Constitution. And I beg to respectfully advise you that I believe the above suit can now be successfully maintained.

While there is some conflict of authorities upon the proposition involved in this suit, I believe the great weight of authorities support my conclusion.

The questions involved in this suit are of great importance to this State, and each of our Railroad Commissioners has expressed to me his desire to have these questions settled by a judicial decision and determination of this suit.

Yours truly,

(Signed)

T. S. SMITH,
Attorney-General.

STATE OF TEXAS,
COUNTY OF TRAVIS.

In the District Court of Travis county, Texas, Twenty-sixth Judicial District.
To the Honorable District Court of said district.

The State of Texas, plaintiff, by its Attorney-General, complaining of the Austin & Northwestern Railroad Company, would respectfully show to the court:

I.

That the Austin & Northwestern Railroad Company is a railroad corporation organized and existing under the laws of the State of Texas, for the purpose of owning and operating a line of railroad in Texas. That it is now nominally operating a line of railroad from the city of Austin, in Travis county, Texas, through the counties of Williamson and Burnet, to the city of Llano, in Llano county Texas, and is a common carrier of freight and passengers between all points on its line in Texas. That A. N. Leitnaker, who resides in Travis county, Texas, is its Vice-President, General Superintendent and Treasurer.

II.

That the Southern Pacific Company is a railroad corporation organized and existing under and by virtue of the laws of the State of Kentucky. That said Southern Pacific Company has no permit to do business in the State of Texas. That it

has power by the terms of its charter to own and operate railroads.

III.

That the Austin & Northwestern Railroad Company and the Southern Pacific Company have consolidated. That the Southern Pacific Company, with the consent of the defendant company, now really owns and operates the lines of railroad colorably owned and operated by the Austin & Northwestern Railroad Company; that is to say, that the said Austin & Northwestern Railroad Company has issued and now has outstanding stock to the amount of one million sixteen thousand dollars (\$1,016,000) of which the said Southern Pacific Company is the undisguised owner of one million eight thousand dollars (\$1,008,000) and that the ownership and acquisition of this stock was agreed to by the said Austin & Northwestern Railroad Company at the time the same was acquired by the said Southern Pacific Company, and said defendant still consents to and acquiesces in said ownership. That said stock was so acquired by said Southern Pacific Company and said acquisition was so agreed to by said defendant, for the purpose of effecting and did effect an unlawful consolidation of said two companies.

That the remaining eight thousand dollars (\$8,000) of stock is held by A. N. Leitnaker, C. C. Gibbs, E. W. Cave, I. E. Gates, G. A. Quinlan, Thomas H. Hubbard, J. M. Lee and C. P. Huntington—the said C. P. Huntington being the President of the Southern Pacific Company.

That plaintiff is informed and believes, and upon information and belief charges the fact to be, that while the eight thousand dollars of stock last mentioned stands in the name of the parties heretofore mentioned, that the Southern Pacific Company is really the owner thereof, and that it is only permitted to stand in the names of the above mentioned parties in order that they may be elected directors and officers of said railroad, but that they really have no pecuniary interest in the said stock.

IV.

Wherefore plaintiff says that the Austin & Northwestern Railroad Company and the Southern Pacific Company have consolidated within the meaning of the laws of Texas, contrary to and in open violation of Section 6, Article X, of the Constitution of the State of Texas, and in violation of the statutes of the State which deny to all corporations organized under the laws of States other than Texas the right to do business in Texas without first obtaining a permit.

Wherefore plaintiff says that the Austin & Northwestern Railroad Company has forfeited its rights to exist as a railroad corporation; that its charter and franchises granted by the State of Texas ought to be withdrawn, annulled and cancelled, and a receiver appointed to operate said road to the end that it be no longer operated and controlled by a corporation organized under the laws of another State, and which is not permitted to do business in Texas.

V.

Wherefore plaintiff prays that the defendant company be cited to answer this petition; that on final hearing hereof the charter of the Austin & Northwestern Railroad Company be withdrawn, annulled and cancelled, and that a receiver be appointed to take charge of and operate said road, and for such other and further relief, both legal and equitable, as the facts may warrant, for which it will ever pray, etc.

(Signed)

M. M. CRANE,
Attorney-General.

T. A. FULLER,
Assistant.

Attorneys for the State of Texas,
plaintiff.

ATTORNEY-GENERAL'S OFFICE.

T. S. SMITH, Attorney-General.

R. A. JOHN, Assistant Attorney-General.
Attends Court of Appeals.

R. H. WARD, N. B. MORRIS,
T. S. JOHNSON,
Office Assistants.

Austin, Texas, March 15, 1899.

Governor Joseph D. Sayers, Executive
Office, Austin, Texas.

DEAR SIR: I have received your favor of the 14th inst., asking my opinion on the following proposition:

"What effect, if any, would it have upon the suit now pending in the District Court of Travis county, Texas, against the Austin & Northwestern Railroad Company to forfeit its charter, if the bill authorizing the Houston & Texas Central Railroad Company to purchase said Austin & Northwestern Railroad Company, with its franchises, etc., should become a law?"

My opinion is, the effect upon the suit would be disastrous. I shall not attempt to discuss the effect or to follow it into the field as opened by the authorities, but merely to state to you the condition, as I understand it, which would confront the State in the above suit should the bill become a law. In the first place, all property,

real, personal and franchise would under legislative authority have been sold, transferred and delivered to another railroad company organized under the laws of this State, and we would be contending for a simple legal proposition which, if won, would be a barren and fruitless victory, and again, we would even in pressing this simple proposition be seeking to forfeit a charter by reason of the company being consolidated with a railway company organized under the laws of another State, when, by legislative enactment, this complained of corporation had been merged into and absorbed by a railroad company organized under the laws of this State.

In the next place, and another probably more serious question would confront the State, and that is: By Legislative enactment, since the alleged acts of forfeiture, the legal existence of the Austin & Northwestern Railroad Company had been recognized, and it authorized to sell and merge its entire existence into another State corporation, thereby waiving the acts of forfeiture theretofore committed by it.

Upon the proposition that legislative recognition of the corporate existence of a corporation after acts of forfeiture, is a waiver by the State of said acts theretofore committed, I cite:

Rorer on Railroads, Vol. 1, page 42, and authorities there cited.

Commentaries on Law of Corporations, by Thompson, Vol. 1, Sec. 512.

Beach on Private Corporations, Vol. 1, Sec. 59, and copious notes.

Beach on Railroads, Vol. 1, Sec. 593, and authorities cited.

Morawetz on Private Corporations, Vol. 2, Sec. 1029.

Upon the proposition that the purchase and ownership of practically all of the stock of a railroad company organized under the laws of this State by a railway company organized under the laws of another State or of the United States, with the consent and acquiescence of the domestic corporation, I refer you to:

Constitution of Texas, Art. 10, Sec. 6.

Revised Statutes of 1895, Art. 4531.

Revised Statutes of 1895, Art. 4394.

Beach on Private Corporations, Vol. 1, Sec. 327.

Thompson on Law of Corporations, Vol. 1, Sec. 330.

Cook on Stock and Stockholders, Sec. 315, and notes therein cited, and containing long line of authorities.

Rorer on Railroads, Vol. 1, page 588 (defines a consolidation).

Penn. Railroad Company vs. Commonwealth, 7 Atlantic Reporter, page 368.

Hill et al. vs. Nesbitt, 100 Ind., 349.
 Pearson vs. Concord Ry. Co., 13 Am.
 & Eng. R. R. Cases, page 116.
 State of Ohio vs. Standard Oil Co., 49
 Ohio St. Rep., page 137.
 State of Nebraska vs. A. & N. R. R.
 Cy., 24 Neb., page 147.

Yours truly,
 (Signed) T. S. SMITH,
 Attorney-General.

Copy of an act of the General Assembly of the Commonwealth of Kentucky, incorporating the "Southern Pacific Company." Also copy of an act of the same amending said incorporating act.

Session of 1883-84.

Chapter 403.

An Act to incorporate the Southern Pacific Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Henry D. McHenry, Wm. G. Duncan, Samuel E. Hill, Samuel M. Cox, Henry McHenry, Jr., and their associates and successors and assigns be and they are hereby created and constituted a body corporate and politic, under the name of the Southern Pacific Company, and as such shall have perpetual succession and be capable in law to purchase, grant, sell or receive in trust or otherwise all kinds of personal and real property, to such amount as the directors of said company may, from time to time, determine; and to contract and be contracted with, sue and be sued, plead and be impleaded, appear and prosecute to final judgments all suits or actions at law or in equity in all courts and places; and to have and use a common seal, and to alter the same at pleasure; and to make and establish such by-laws, rules and regulations for the government of said company and the conduct of its business as said corporation or the stockholders therein shall deem expedient or necessary for the management of its affairs, not inconsistent with the Constitution and laws of this State or of the United States; and generally to do and execute all acts, matters and things which may be deemed necessary or convenient to carry into effect the powers and privileges herein granted; provided, however, that said corporation shall not have power to make joint stock with, lease, own or operate any railroad within the State of Kentucky.

Sec. 2. The said corporation is hereby authorized and empowered to contract for and acquire by purchase or otherwise bonds, stock, obligations and securities of any corporation, company or association now existing or hereafter formed or

constituted, and bonds, obligations and securities of any individuals, State, Territory, government or local authorities whatsoever, and to enter into contracts with any corporation, company or association, individuals, State, Territory, government or local authorities in respect of their bonds, stocks, obligations or securities, or in respect of the construction, establishment, acquisition, owning, equipment, leasing, maintenance or operation of any railroads, telegraphs or steamship lines, or any public or private improvements, or any appurtenances thereof, in any State or Territory of the United States, or in any foreign country, and to buy, hold, sell and deal in all kinds of public and private stocks, bonds and securities; and said corporation may borrow and loan money, issue its own bonds or other evidences of indebtedness, and sell, negotiate and pledge the same to such amounts, upon such terms and in such manner as may from time to time be determined by the directors of said corporation; and it may mortgage all or any part of its property, assets and franchises to secure such bonds and the interest thereon, on such terms and conditions as shall on that behalf be prescribed by its board of directors.

Sec. 3. The capital stock of said corporation shall be one million dollars, divided into shares of one hundred dollars each, which shares shall be deemed personal property, and may be issued, transferred and forfeited for non-payment in such manner as the board of directors of such corporation may determine; and no person shall be in any wise liable as a stockholder of said corporation after said capital stock to such amount of one million dollars shall have been paid in cash, and a certificate to that effect, signed and sworn to by the treasurer and a majority of the board of directors of said corporation, shall have been filed in the office of the Secretary of State of this State; nor shall the said corporation, or any of the officers or agents thereof be thereafter bound to make any further returns or certificates; provided, however, that if, after the payment of such capital stock any part thereof shall be withdrawn or refunded to any of the stockholders when the property of the corporation is insufficient or will be thereby rendered insufficient for the payment of all its the stockholder receiving the same shall be bound and obliged to repay to said corporation or its creditors the amount so withdrawn or refunded.

Sec. 4. Any two of the persons above named as corporators of said corporation may call the first meeting for the organ-

ization of such corporation at such time and place as they may appoint by mailing a proper notice of such meeting to each of such corporators at least ten days before the time appointed; and in case a majority of such corporators shall attend such meetings either in person or by proxy, they may open books for subscriptions to its capital stock; and whenever five hundred thousand dollars shall be subscribed and ten per cent. of said subscriptions shall be paid in cash, the stockholders of said corporation may organize the same, and said corporation may proceed to business.

Sec. 5. Each share of stock entitles the holder thereof to one vote, in person or by proxy, at all meetings of the stockholders, the holders of a majority in interest of the capital stock, present in person or by proxy, shall constitute a quorum. The corporation shall have a lien on all the stock and property of its members invested therein for all debts due by them to said corporation, which lien may be enforced in such manner as the by-laws shall prescribe.

Sec. 6. The stock, property and affairs of said corporation shall be managed by a board of directors of such number, not less than three, as may be from time to time determined by the corporators or stockholders. The directors shall be elected by the stockholders, and for such terms as the stockholders shall from time to time determine. Meetings of directors or stockholders may be held within or without the State. No person shall be elected a director who is not a stockholder of the corporation. A majority of the directors shall constitute a quorum of said board for the transaction of business. The directors shall appoint from their own number a president, and they shall also appoint a clerk and treasurer and such other officers and agents as they may deem proper, to hold their offices during the pleasure of the board. In case of a vacancy or vacancies in the board, the remaining directors may fill such vacancy or vacancies. The capital stock of said corporation may be increased from time to time to such sum as may be determined by the board of directors of said corporation, provided such increase or diminution shall be approved by at least two-thirds in interest of the stockholders of said corporation.

Sec. 7. The annual tax upon said corporation shall be the same as is now fixed by law for broker's license; provided that all property owned by said corporation and situated in the State shall pay the same State and local tax as is assessed upon similar property. And capital stock in said corporation, owned

by citizens of the State, shall be assessed against the holders thereof as choses in action under the equalization law.

Sec. 8. The company shall keep an office for the transaction of business, and the clerk or assistant clerk of said corporation shall reside within the State of Kentucky, but the said corporation may keep offices at such places outside of this State as in the judgment of its board of directors its business may from time to time require; provided, that nothing herein contained shall be construed as granting any lottery or banking privileges.

Sec. 9. This act shall take effect immediately upon its passage.

Approved March 17, 1884.

Also act of 1887-88:

Chapter 601.

An Act to amend "An Act to incorporate the Southern Pacific Company," approved March 17, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the act entitled "An Act to incorporate the Southern Pacific Company," which was approved March 17, 1884, be and the same is amended by adding to Section 1 thereof the following words, to wit: Except subject to and in conformity with the provisions of the laws of the State of Kentucky applicable to railroads, and requiring no special rights that may be possessed by any railroads in the State, except the general and ordinary rights of common carriers as possessed by railroads generally.

Sec. 2. This act shall take effect from its passage.

Approved March 21, 1888.

After the reading of the above message, on motion of Senator Kerr the same was referred to the Committee on Internal Improvements.

Pending action, on motion of Senator Lewis, consideration of the bill (Substitute Senate bill No. 65) and pending amendment was postponed until tomorrow at 3 p. m.

On motion of Senator Lewis the regular order of business was suspended to take up, on second reading,

Senate bill No. 199, A bill to be entitled "An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect," action being on the following amendment offered by Senator Odell (see Journal of March 3):

"Amend Section 1 by adding thereto the following: 'Provided, that no parole shall be granted unless the application

for parole be approved by the judge before whom the applicant was tried, or the judge of the district court in the county wherein the applicant was tried."

Lost.

By Senator Yantis:

"Amend by striking out the enacting clause."

Lost by the following vote:

Yeas—6.

Gough.	Patterson.
Greer.	Terrell.
Lloyd.	Yantis.

Nays—13.

Atlee.	McGee.
Burns.	Morriss.
Dibrell.	Sebastian.
Hanger.	Stafford.
Kerr.	Wayland.
Lewis.	Yett.
Linn.	

Present—Not voting.

Ross.

Absent—Excused.

Goss.	Odell.
Grinnan.	Potter.
Miller.	Turney.

PAIRED.

Senator Davidson, present, who would vote *yea*, with Senator Stone, absent—excused, who would vote *nay*.

Senator James, present, who would vote *yea*, with Senator Neal, absent—excused, who would vote *nay*.

Pending further action, Senator Yantis moved to adjourn until 3 p. m. today.

Lost by the following vote:

Yeas—9.

Davidson.	Patterson.
Gough.	Sebastian.
Greer.	Terrell.
James.	Yantis.
Lloyd.	

Nays—13.

Atlee.	McGee.
Burns.	Morriss.
Dibrell.	Ross.
Hanger.	Stafford.
Kerr.	Wayland.
Lewis.	Yett.
Linn.	

Absent.

Johnson.

Absent—Excused.

Goss.	Odell.
Grinnan.	Potter.
Miller.	Stone.
Neal.	Turney.

(Lieutenant-Governor Browning in the chair.)

By Senator Greer:

"Add to Section 1 the following: 'And provided, that no parole shall be granted unless a petition therefor shall be signed by a majority of the jurors who tried him, still living and resident in the county of the trial.'"

No quorum, the following Senators voting:

Yeas—5.

Greer.	Terrell.
Lloyd.	Yantis.
McGee.	

Nays—14.

Atlee.	Linn.
Burns.	Morriss.
Davidson.	Ross.
Dibrell.	Sebastian.
Hanger.	Stafford.
Kerr.	Wayland.
Lewis.	Yett.

Absent.

Gough.	Patterson.
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Absent—Excused.

Goss.	Potter.
Grinnan.	Stone.
Miller.	Turney.
Odell.	

PAIRED.

Senator James, present, who would vote *yea*, with Senator Neal, absent—excused, who would vote *nay*.

Senator Davidson moved to adjourn until 3 p. m. today.

Senator Ross moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

Yeas—4.

Greer.	Ross.
James.	Terrell.

Nays—14.

Atlee.	Linn.
Burns.	Lloyd.
Davidson.	McGee.
Dibrell.	Morriss.
Hanger.	Sebastian.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Gough.	Stafford.
Johnson.	Wayland.
Patterson.	

Absent—Excused.

Goss.	Odell.
Grinnan.	Potter.
Miller.	Stone.
Neal.	Turney.

The Senate then adjourned until 3 p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Morriss.
Davidson.	Patterson.
Dibrell.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Terrell.
Lewis.	Yantis.
Linn.	Yett.
Lloyd.	

Absent.

Gough.	Hanger.
Greer.	Wayland.

Absent—Excused.

Goss.	Odell.
Grinnan.	Potter.
Miller.	Stone.
Neal.	Turney.

Senator Yantis moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Morriss.
Davidson.	Patterson.
Dibrell.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Terrell.
Lewis.	Yantis.
Linn.	Yett.
Lloyd.	

Absent.

Gough.	Hanger.
Greer.	Wayland.

Absent—Excused.

Goss.	Odell.
Grinnan.	Potter.
Miller.	Stone.
Neal.	Turney.

No quorum.

On motion of Senator Morriss the Senate took a recess of fifteen minutes.

AFTER RECESS.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Davidson.
Burns.	Dibrell.

Greer.	Odell.
Hanger.	Patterson.
James.	Ross.
Johnson.	Sebastian.
Kerr.	Stafford.
Lewis.	Terrell.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Morriss.	

Absent.

Gough.

Absent—Excused.

Goss.	Potter.
Grinnan.	Stone.
Miller.	Turney.
Neal.	

COMMITTEE REPORTS.

The following privileged committee reports were made:

Committee Room,
Austin, Texas, March 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 228, being a bill to be entitled "An Act ratifying and confirming an ordinance passed by the city council of the city of Galveston on the fourth day of February, 1899, entitled 'An Ordinance abandoning, discontinuing and closing certain streets, avenues and alleys of the city of Galveston, and authorizing and empowering Collis P. Huntington, his heirs or assigns, perpetually to construct and maintain piers on the shore of Galveston bay, within the corporate limits of the city of Galveston, upon certain specified conditions,' and conditionally relinquishing any claim the State of Texas may have to part of the property herein described,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, March 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 83, being a bill to be entitled "An Act to amend Articles 5157 and 5159, of the Revised Civil Statutes of the State of Texas, relating to the bonds of tax collectors,"

And find the same correctly engrossed.

JAMES, Chairman.

PENDING BUSINESS.

The Chair laid before the Senate, on second reading, pending business,

Senate bill No. 199, A bill to be entitled "An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect," action being on the pending amendment of Senator Greer, offered this morning, to-wit:

"Add to Section 1 the following: 'And provided, that no parole shall be granted unless a petition therefor shall be signed by a majority of the jurors who tried him, still living and resident in the county of the trial.'"

Pending action, Senator Yantis moved that consideration of the bill and the pending amendment be postponed until Monday next, after Substitute Senate bill No. 65.

Lost.

Senator Greer's amendment was then lost by the following vote:

Yeas—7.

Greer.	Odell.
Johnson.	Patterson.
Lloyd.	Yantis.
McGee.	

Nays—14.

Atlee.	Linn.
Burns.	Morriss.
Davidson.	Ross.
Dibrell.	Sebastian.
Hanger.	Stafford.
Kerr.	Wayland.
Lewis.	Yett.

Absent.

Gough.	Terrell.
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Absent—Excused.

Goss.	Potter.
Grinnan.	Stone.
Miller.	Turney.

PAIRED.

Senator James, present, who would vote *yea*, with Senator Neal, absent—excused, who would vote *nay*.

By Senator McGee:

"Amend by inserting after the word 'Governor' in lines 11 and 12, page 1, Senate bill No. 199, the words 'and Board of Pardon Advisers.'"

Lost by the following vote:

Yeas—9.

Burns.	McGee.
Greer.	Odell.
James.	Patterson.
Johnson.	Yantis.
Lloyd.	

Nays—12.

Atlee.	Morriss.
Dibrell.	Ross.
Hanger.	Sebastian.
Kerr.	Stafford.
Lewis.	Wayland.
Linn.	Yett.

Absent.

Gough.	Terrell.
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Absent—Excused.

Goss.	Potter.
Grinnan.	Turney.
Miller.	

PAIRED.

Senator Davidson, present, who would vote *yea*, with Senator Stone, absent—excused, who would vote *nay*.

Senator James, present, who would vote *yea*, with Senator Neal, absent—excused, who would vote *nay*.

The bill was then ordered engrossed by the following vote:

Yeas—13.

Atlee.	Linn.
Burns.	Morriss.
Dibrell.	Sebastian.
Hanger.	Stafford.
Johnson.	Wayland.
Kerr.	Yett.
Lewis.	

Nays—7.

Greer.	Patterson.
Lloyd.	Ross.
McGee.	Yantis.
Odell.	

Absent.

Gough.

Absent—Excused.

Goss.	Potter.
Grinnan.	Turney.
Miller.	

PAIRED.

Senator Davidson, present, who would vote *nay*, with Senator Stone, absent—excused, who would vote *yea*.

Senator James, present, who would vote *nay*, with Senator Neal, absent—excused, who would vote *yea*.

BILL NO. 268.

By unanimous consent, the following bill was introduced:

By Senator Burns:

Senate bill No. 268, A bill to be entitled "An Act to amend the charter of the city of Houston."

Read first time, and referred to Committee on Towns and City Corporations.

SPECIAL ORDER.

The Chair laid before the Senate, on second reading, special order, Substitute Senate bill No. 65 (general appropriation bill), action being on the pending amendment of Senator Davidson, to wit:

"Amend line 3, page 3, by striking out '\$2400' wherever it occurs, and inserting '\$2600.'"

Lost.

By Senator Dibrell:

"Amend the bill by striking out in line 16, page 1, the words 'August 31st' in both columns, and insert in lieu thereof 'February 28th,' and by striking out in first column '1900' and insert in lieu thereof '1899,' and by making the entire bill conform thereto."

Adopted.

By Senator Johnson:

"Amend Substitute Senate bill No. 65, on page 6, after line 27, by adding the following: 'For salary for stenographer for Land Department, \$1000.00.'"

Lost.

By Senator Sebastian:

"Amend by adding on page 16, next after line 8, the following item: 'For payment of A. H. Tandy, as an attached witness in State case in District Court of Armstrong county, at the August term thereof, 1897, \$24.48.'"

Adopted.

Senator Ross called up his motion to reconsider the vote by which his amendment was lost, to wit:

"Amend line 30, page 5, by striking out '\$1140,' and inserting '\$1400.'"

Reconsidered.

Senator Ross then offered to amend his amendment as follows:

"Amend the amendment by striking out '\$1400,' and inserting in lieu thereof '\$1200.'"

Adopted.

The amendment as amended was adopted.

Senator Ross entered a motion to reconsider the vote by which the amendment as amended was adopted.

Senator Johnson entered a motion to reconsider the vote by which his amendment, proposing \$1000 as salary for stenographer for Land Department, was lost.

By Senator Terrell:

"Amend by striking out '\$800' in line 22, page 12, and insert '\$600;' in lines 4 and 20 and 28, page 13, by striking out '\$800' and insert '\$600,' and in line 10, page 14, by striking out '\$800' and insert '\$600.'"

Adopted.

By Senator Lloyd:

"Amend page 10, line 10, by striking

out '\$7500' in each column, and inserting '\$15,000.'"

Lost.

By Senator Davidson:

"Amend page 27, line 13, by adding the following: 'No part of this appropriation of \$1500 shall be used for any purpose except repairs, painting and to buy cement for bath pools.'"

Adopted.

By Senator Dibrell:

"Amend the bill by adding between lines 4 and 5, page 10, the following: 'For support of the public free schools for two years, all the available public free school funds arising from interest or lease of school lands, interest on bonds, school taxes and all other sources of revenue to said fund.'"

Adopted.

By Senator Lloyd:

"Amend page 35 by striking out lines 13 and 14."

Lost.

By Senator Dibrell:

"Amend the bill between lines 9 and 10, page 15, by inserting the following: 'To pay costs in civil cases when such costs are adjudged against the State, or when such costs cannot be recovered from the defendant, in which only such costs as are incurred by the State in such civil cases shall be paid out of this fund, \$1000.'"

Adopted.

By Senator Morriss:

"Amend by striking out the words 'in the district courts,' in lines 23 and 24, page 14."

Adopted.

By Senator Morriss:

"Amend page 15, lines 20 and 21, by striking out the words 'county attorneys' and inserting 'recorders and city marshals.'"

Senator Atlee called for a division of the question.

The first subdivision (striking out the words "county attorneys") was adopted.

Senator Linn offered to substitute the second subdivision (to insert the words "recorders and city marshals") as follows:

"Provided, that no part of this sum shall be paid to city recorders or city marshals for service in examining trials."

Adopted.

The amendment as substituted was adopted.

By Senator Terrell:

"Amend lines 5 and 9, page 3, by striking out in line 5 '\$2600' where it occurs and inserting '\$2800,' and in line 9 strike

out '\$1300' where it occurs and insert '\$1400.'"

Lost.

Senator Johnson called up his motion to reconsider the vote by which his amendment (providing for stenographer for Land Department) was lost,

Reconsidered.

Senator Johnson then withdrew his amendment and offered the following:

"Amend the bill, on page 6, after line 30, by adding the following: 'For salary of stenographer of Land Department, \$720.'"

Adopted.

By Senator Yantis:

"Amend page 2 by striking out line 27."

Adopted.

(Senator Burns in the Chair.)

By Senator Dibrell:

"Amend the bill by inserting between lines 22 and 23, on page 7, the following: 'To purchase two typewriters, provided the Attorney-General shall be authorized to exchange the two second-hand typewriters now on hand in part payment of the two new ones to be purchased, \$140.'"

Adopted.

By Senator Sebastian:

"Amend line 12, page 3, by striking out '\$1350' and insert in lieu thereof '\$1400.'"

Lost.

By Senator Dibrell:

"Amend the bill by inserting between lines 25 and 24, page 7, the following: 'For carpeting Attorney-General's office, \$142. For supplying furniture for office of Attorney-General, \$100.'"

Adopted.

By Senator Terrell:

"Amend by striking out '\$2160,' on page 6, line 3, and inserting '\$2400.'"

Lost.

By Senator Yantis:

"Amend page 7, line 8, by striking out '\$3000' in each column and insert in lieu thereof '\$2500,' and lines 9 and 10, page 7, by striking out '\$2500' and insert '\$2000' in each column."

Adopted.

Pending further action,

Senator Sebastian moved to postpone further consideration of the bill till tomorrow, 10 a. m.

Lost.

Senator James moved that the Senate adjourn to 10 a. m. tomorrow.

Adjourned.

31—Senate

FORTY-EIGHTH DAY.

Senate Chamber,

Austin, Texas, Friday, March 17, 1899.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Davidson.	Morriss.
Dibrell.	Odell.
Gough.	Patterson.
Greer.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.

Absent.

Burns. Lewis.

Absent—Excused.

Goss.	Potter.
Grinnan.	Stone.
Neal.	

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Patterson, the same was dispensed with.

EXCUSED.

On motion of Senator Atlee, Journal Clerk O'Quinn was excused for non-attendance on Monday, Tuesday and Wednesday of this week on account of sickness in his family.

On motion of Senator Miller, Senators Neal and Stone were excused for today on account of important committee duty.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 202, being a bill to be entitled "An Act to amend Article 5364, Title CXI, of the Revised Civil Statutes of 1895, relating to wool growing interest, so as to strike out the counties of Calhoun and Aransas from the exempt list,"

And find the same correctly engrossed.

JAMES, Chairman.